

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF
VIRGINIA
Roanoke Division

DENIECE PAGANS, JANET SWEET,
SAFI M. RIAZ, BESSIE M. MCADAMS,
KEITH O. EDWARDS and PETER H.
DARGEL, individually and on behalf of all
other similarly situated,

Plaintiffs,

v.

ADVANCE STORES COMPANY,
INCORPORATED, THE BOARD OF
DIRECTORS OF ADVANCE STORES
COMPANY, INC. and THE
RETIREMENT COMMITTEE OF
ADVANCE AUTO PARTS, INC. 401(k)
PLAN,

Defendants.

Civil Case Action No. 7:21-cv-00549-MFU

Honorable Michael F. Urbanski

**PLAINTIFFS' UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT, CERTIFICATION OF
SETTLEMENT CLASS, AND APPROVAL OF PLAN OF ALLOCATION**

Named Plaintiffs Janet Sweet, Safi M. Riaz, Bessie M. McAdams, Keith O. Edwards and Peter H. Dargel ("Plaintiffs"), participants in Advance Auto Parts, Inc. 401(k) Plan (the "Plan"), hereby respectfully move this Court, pursuant to FED. R. CIV. P. 23, for an Order:

1. Granting final approval to the class action settlement in this action on the terms of the Class Action Settlement Agreement ("Settlement Agreement"), fully executed on December 19, 2023 and previously filed with the Court on the same date (ECF No. 68-1);
2. Certifying the Class as defined in the March 12, 2024, Preliminary Approval Order (ECF No. 74);

3. Appointing Plaintiffs as Class Representatives and Plaintiffs' Counsel as Class Counsel under FED. R. CIV. 23(g);

4. Finding that the manner in which the Settlement Class was notified of the Settlement was the best practicable under the circumstances and adequately informed the Settlement Class members of the terms of the Settlement, how to lodge an objection and obtain additional information; and

5. For such other and further relief as the Court may deem just and proper.

The grounds for this Motion are set forth in the following papers filed contemporaneously herewith:

A. Memorandum of Law in support of Plaintiffs' Motion for Final Approval of Class Action Settlement, Certification of Settlement Class, and Approval of Plan of Allocation; and

B. Declarations of Plaintiffs' Counsel, Plaintiffs, and the Settlement/Notice Administrator.

Attached hereto is the proposed Final Approval Order and Judgment in the form agreed to by the Parties.

Dated: June 5, 2024

Respectfully submitted,

CAPOZZI ADLER, P.C.

/s/ Mark K. Gyandoh

Mark K. Gyandoh, Esquire

(admitted *pro hac vice*)

312 Old Lancaster Road

Merion Station, PA 19066

Tel: (610) 890-0200

Fax: (717) 233-4103

Email: markg@capozziadler.com

Aaron B. Houchens, Esq. (VSB #80489)

AARON B. HOUCHENS, P.C.

111 E. Main Street

P.O. Box 1250

Salem, Virginia 24153
Tele.: (540) 389-4498
Fax: (540) 339-3903
Email: aaron@houchenslaw.com

Andrew L. Fitzgerald (VSB #48282)
FITZGERALD, HANNA, SULLIVAN, PLLC
119 Brookstown Ave., Ste. 402
Winston-Salem, NC 27101
Tel.: (336) 793-4365
Email: andy@fhslitigation.com

*Attorneys for Plaintiffs and
Class Counsel*

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2024, a true and correct copy of the foregoing document was filed with the Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

By: /s/ Mark K. Gyandoh
Mark K. Gyandoh, Esq.